

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MELINDA WILSON

Plaintiff,

v.

AMERICAN POSTAL WORKERS
UNION, DELAWARE AREA LOCAL,
AFL-CIO; and UNITED STATES POSTAL
SERVICE, an independent establishment of
the Executive Branch of the Government
of the United States of America

Defendants.

Civil Action No. 05-CV-73 JJF

JOINT MOTION OF DEFENDANTS TO POSTPONE PRE-TRIAL CONFERENCE

The United States Postal Service (“USPS”) and the Wilmington Delaware/Malcolm T. Smith Area Local, American Postal Workers Union, AFL-CIO (“Union”) respectfully move the Court to postpone the pre-trial conference in this matter, currently scheduled for May 4, 2006. Counsel for the Union has attempted to contact Plaintiff Melinda Wilson to obtain her position on this motion but has been unsuccessful in those attempts. There is good cause for granting this motion.

On December 12, 2005, plaintiff’s counsel, Joseph M. Bernstein, moved to withdraw as Ms. Wilson’s attorney (Docket Entry #31). On January 19, 2006, the Court issued an Order setting a briefing schedule for summary judgment motions. (Docket Entry #32). The union and the USPS filed separate motions for summary judgment and opening briefs in support thereof. (Docket Entries # 33-36). On March 22, 2006, the Court issued an order granting Mr. Bernstein’s motion to withdraw as plaintiff’s attorney. (Docket Entry #39). On March 27, 2006, Mr. Bernstein sent a letter to Ms. Wilson advising her of his withdrawal and informing her of the need to respond to the

pending summary judgment motions (attached hereto as Exhibit 1). To date, no response to either the Union's or the USPS's summary judgment motions has been filed.

The defendants are of the opinion that this case can fairly be disposed of at the summary judgment stage. If that is correct, there is good cause not to proceed with the pre-trial conference until the Court has had an opportunity to rule on the pending summary judgment motions. This approach would conserve precious judicial and other resources, including those of the Wilmington Delaware/Malcolm T. Smith Area Local, a small union, which would incur the unnecessary expense of preparing for the pre-trial conference when this case is likely to be disposed of on summary judgment. Additionally, Ms. Wilson may not be prepared to proceed with the pre-trial conference on May 4, 2006.

Therefore, the defendants request that the Court adjourn the pre-trial conference for ninety (90) days and order that Ms. Wilson or her new counsel submit a response to the defendants' pending dispositive motions within thirty (30) days. This way, Ms. Wilson will be afforded time to search for new counsel and to respond to the pending dispositive motions, and the Court will have time to rule on the pending dispositive motions.

Dated: April 7, 2006

Respectfully submitted,

COLM F. CONNOLLY
United States Attorney

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Area Local, American Postal Workers Union, AFL-CIO

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RULE 7.1.1 STATEMENT

I, Peter J. Leff, hereby affirm that on March 31, 2006 and on April 6, 2006, I attempted to reach Plaintiff Melinda Wilson on both her home telephone and on her cellular telephone to discuss her position on the granting of the Union's Motion to Postpone the Pre-Trial Conference. I further affirm that I was unsuccessful in my efforts.

April 7, 2006

/s/Peter J. Leff

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ORDER

IT IS HEREBY ORDERED that on this _____ day of April, 2006, that the Joint Motion of Defendants to Postpone the Pre-Trial Conference is granted.

The Pre-Trial Conference in this matter will be adjourned to _____,
2006 at _____.

Plaintiff, pro se, or her new counsel shall file an Answering brief in response to the defendants' pending summary judgment motions on or before thirty (30) days from the date of this Order.

Defendants' Reply briefs, if any, shall be due on or before forty-five (45) days from the date of this Order.

Date: _____

Hon. Joseph J. Farnan, Jr.

Certificate of Service

I hereby certify that I have this day caused the following people to be served by first class mail postage pre-paid with a copy of the foregoing Joint Motion of Defendants to Postpone the Pre-Trial Conference :

Melinda Wilson
28 Ashley Drive
New Castle, DE 19720

Dated: April 7, 2006

/s/Peter J. Leff